

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RICHARD G. TURAY,

Plaintiff,

v.

KEVIN QUIGLEY, et. al.,

Defendants.

CASE NO. C16-5190 RBL-JRC

REPORT AND RECOMMENDATION

NOTED FOR: SEPTEMBER 23, 2016

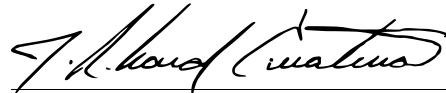
This is a civil rights action brought pursuant to 42 U.S.C. § 1983. Plaintiff was proceeding with this action *pro se* and *in forma pauperis*.

On June 10, 2016, this Court sent to plaintiff its Order Directing Service of Civil Rights Complaint. Dkt. 17. On August 9, 2016, the mail sent to plaintiff was returned to the Court marked "RTS, deceased." Dkt. 37. On that same day, defendants filed a request for stay pending resolution of plaintiff's death and substitution pursuant to Federal Rules of Procedure, Rule 25(a). Dkt. 35. Defendants attached a Certificate of Death with their request. Dkt. 36-1. Due to the fact that plaintiff is deceased, the Court recommends that this matter be dismissed without

1 prejudice. In the unlikely event plaintiff's estate intends to pursue a claim, it may do so in a  
2 separate action.

3 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have  
4 fourteen (14) days from service of this Report to file written objections. See also Fed. R. Civ. P.  
5 6. Failure to file objections will result in a waiver of those objections for purposes of de novo  
6 review by the district judge. See 28 U.S.C. § 636(b)(1)(C). Accommodating the time limit  
7 imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for consideration on  
8 September 23, 2016, as noted in the caption.

9  
10 Dated this 29th day of August, 2016.

11 

12 J. Richard Creatura  
13 United States Magistrate Judge  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24